

**REMARKS/ARGUMENTS**

This Amendment is responsive to the Office Action mailed on June 2, 2006.

At page 2 of the Office Action, the drawings are objected to because the "sleeve" in dependent claim 3 is allegedly not shown in the Figures. Claim 3 is also rejected under 35 U.S.C. § 112, 1st paragraph.

Although Applicants do not agree with the objection and the rejection, dependent claim 3 is canceled. Accordingly, withdraw of the objection and the rejection to claim 3 is requested.

At page 3 of the Office Action, claims 1-8 are rejected as indefinite. The Examiner alleges that the phrase "the contour panel is between any articles" is confusing. This rejection is traversed. However, to expedite the prosecution, the language cited by the Examiner is deleted from the claims.

**I. Art rejections**

A number of prior art rejections are made. The rejections are addressed in the order presented in the Office Action.

**A. Menetrier**

At page 1 of the Office Action, claims 1-5, and 7-8 are rejected as being anticipated by Menetrier (U.S. Patent No. 4,750,654). This rejection is traversed.

Independent claim 1 recites a bag comprising, *inter alia*, a body comprising a curved side, the curved side of the body configured to engage the hip of the user when the user carries the bag." Menetrier is entitled "Back Pack With Reinforced Front Panel" and clearly does not have a curved side that is "configured to engage the hip of the user". One would also not have modified Menetrier to include the claimed configuration, since doing so would be contrary

to the intended purpose of Menetrier which is to form a back pack. Accordingly, Menetrier does not anticipate or obviate the claims.

**B. Menetrier and Dausien**

At page 3 of the Office Action, claims 6, and 9-14 are rejected as being obvious over Menetrier in view of Dausien (U.S. Patent No. 5,366,126). This rejection is traversed.

Claim 6 is allowable, since it depends from allowable independent claim 1 as discussed above, and Dausien fails to remedy the deficiency of Menetrier.

Independent claim 9 recites a bag comprising, *inter alia*, a body comprising a curved side that is configured to engage a hip of a user when the bag is carried. As noted above, both Dausien and Menetrier are directed to backpacks. Neither reference teaches or suggests a curved side that is configured to engage a hip of a user when a bag is carried.

**C. Baker**

Claims 1-5 are rejected as being anticipated by Baker (U.S. Patent No. 4,286,697). This rejection is traversed.

Baker fails to teach or suggest a bag comprising, *inter alia*, a rigid, curved plastic contour panel adjacent to the curved side of the body. In the Office Action, the Examiner refers to "contour panel 82" in Baker. However, reinforcing panel 82 is a "flexible material" (c. 4, l. 68) and is not a "rigid curved, plastic" material. Accordingly, Baker fails to anticipate or obviate claims 1-5, since Baker teaches a different type of panel, than the panel which is recited in independent claim 1.

**C. Baker and Dausien**

Claim 6 is rejected as being obvious in view of Baker and Dausien. This rejection is traversed.

Claim 6 is allowable, since it depends from allowable independent claim 1. The added citation of Dausien does not remedy the deficiencies of Baker.

**D. Baker and Menetrier**

Claims 7 and 8 are rejected as being obvious over Baker and Menetrier. This rejection is traversed.

Claims 7 and 8 are allowable, since they depend from allowable independent claim 1. The added citation of Menetrier does not remedy the deficiencies of Baker.

**E. Dausien**

Claims 1-7, 9, 13, and 14 are rejected as anticipated by Dausien. This rejection is traversed.

Independent claim 1 recites a bag comprising, *inter alia*, a body comprising a curved side, the curved side of the body configured to engage the hip of the user when the user carries the bag." Independent claim 9 recites a bag comprising, *inter alia*, a body comprising a curved side that is configured to engage a hip of a user carrying the bag when the bag is carried. As noted above, Dausien does not teach or suggest a bag that has a curved side that is configured to engage a hip of a user when the bag is carried by the user. Accordingly, Dausien does not anticipate or obviate the rejected claims.

**F. Dausien and Menetrier**

Claims 8 and 11 are rejected as being obvious over Dausien and Menetrier. This rejection is traversed.

Claims 8 and 11 are allowable, since they depend from non-obvious allowable independent claims 1 and 9 as described above.

**G. Dausien**

Claims 10 and 12 are rejected as being obvious over Dausien. This rejection is traversed.

Claims 10 and 12 are allowable, since they depend from non-obvious allowable independent claim 9 as described above.

**II. Declaration Under 37 C.F.R. 1.132**

Also attached hereto is a Declaration Under 37 C.F.R. 1.132 by Priya Sharma, an employee of the assignee of the present application who is familiar with products encompassed by the pending claims. As shown at paragraph 3 of the Declaration, embodiments of the invention have received a number of favorable reviews by various reviewers. In addition, as shown at paragraphs 4 and 5 of the Declaration, embodiments of the invention have exhibited steadily increasing and unexpectedly good sales over the years, even though Kensington, the trade name under which the bags are sold, is not and was not a market leader in the bag industry (relative to companies such as Samsonite corporation). Thus, to the extent that any of the pending claims could be conceivably rejected as being obvious under 35 U.S.C. 103, Applicant submits that the Declaration would overcome any allegations of obviousness.

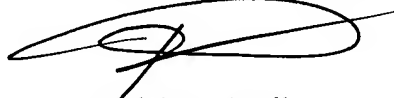
Appl. No. 10/717,215  
Amdt. dated November 2, 2006  
Amendment

PATENT

CONCLUSION

A favorable Action on the merits is solicited. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'P. Jewik', written over a horizontal line.

Patrick R. Jewik  
Reg. No. 40,456

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
PRJ:prj  
60906149 v1